



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Kim Boudreaux
Albermarle Corporation
451 Florida Street
Baton Rouge, LA 70801-1765

DEC 21 2011

Re: PMN P89-867

Dear Ms. Boudreaux,

This letter is in response to your May 13, 2011, letter to EPA requesting clarification or modification of the Toxic Substances Control Act (TSCA) section 5(e) Consent Order, signed by your company on March 23, 1993, for the above referenced PMN. Specifically, you are requesting clarification or modification of the Consent Order language in the "Hazard Communication Program" section regarding incorporation of the PMN in resins so that it is consistent with the corresponding Significant New Use Rule (SNUR) (40 CFR 721.536) language regarding incorporation of the PMN in resins.

Sections (a)(2)(i) and (ii) of the SNUR for P89-867 require inhalation and dermal personal protective equipment (PPE) except when the PMN is incorporated into resin; section (a) of the SNUR includes the statement, "The requirements of this section do not apply once the substance has been incorporated into a resin." The Consent Order describes the same inhalation and dermal requirements as the SNUR, but does not have corresponding language exempting manufactures, importers, and processors from these requirements when the PMN is incorporated in a resin.

EPA will issue a modification of a Consent Order if EPA determines that the activities proposed therein will not present an unreasonable risk of injury to health or the environment and will not result in significant or substantial human exposure or substantial environmental release in the absence of data sufficient to permit a reasoned evaluation of the health or environmental effects of the PMN substance. Based on low volatility, the PMN is considered low risk to human health and the environment when it's incorporated into a resin. EPA is therefore modifying the Consent Order by adding the following text in a footnote on the page 1 of the Consent Order:

"The workplace personal protective equipment requirements of this Order do not apply to quantities of the PMN substance after they have been completely reacted (cured) or incorporated into a resin."

Attached please find two copies of the revised page 1 of the Consent Order and signature page for this modification. I, as the Division Director of the Chemical Control Division, have already signed both copies. After an authorized official of your company signs both copies, please return one signed copy to EPA, and insert the new page 1 into your draft of the original signed Order. This modification is effective upon receipt by EPA and we will confirm receipt by telephone. All other terms and conditions of the original Order are unchanged and still in effect.

If you have any questions, please contact Kenneth Moss, the program manager for this PMN, at (202) 564-9232.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria J. Doa", with a long horizontal flourish extending to the right.

Maria J. Doa, Ph.D., Director
Chemical Control Division
Office of Pollution Prevention and Toxics

Enclosure



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CONSENT ORDER

**I. TERMS OF MANUFACTURE, IMPORT, PROCESSING,
DISTRIBUTION IN COMMERCE, USE, AND DISPOSAL
PENDING SUBMISSION AND EVALUATION
OF INFORMATION**

[REDACTED] ("the Company") is prohibited from manufacturing, importing, processing, distributing in commerce, using, or disposing of the chemical substance: [REDACTED] ("the PMN substance") in the United States, for any nonexempt commercial purpose, pending the development of information necessary for a reasoned evaluation of the human health and environmental effects of the substance, and the completion of EPA's review of, and regulatory action based on, that information, except under the following conditions¹:

TESTING

- (a) Reports of information on the PMN substance which reasonably supports the conclusion that the PMN substance presents a

¹ The workplace personal protective equipment requirements of this Order do not apply to quantities of the PMN substance after they have been completely reacted (cured) or incorporated into a resin.



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**CONSENT ORDER MODIFICATION
FOR P-89-867**

Page 1 of the Consent Order for P-89-867, effective on March 23, 1993 ("original Order"), are hereby modified as indicated in the attached page. All other terms and conditions of the original Order remain unchanged. This Modification is effective on the latest signature date below.

Dec 21, 2011
Date

Maria J. Doa
Maria J. Doa, Ph.D., Director
Chemical Control Division
Office of Pollution Prevention and Toxics

Date

Name:
Title:
Company:



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Dec 20, 2011
Date

A handwritten signature in cursive script, reading "Maria J. Doa", is written over a horizontal line.

Maria J. Doa, Ph.D., Director
Chemical Control Division
Office of Pollution Prevention and Toxics

Date

Name:
Title:
Company: